

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN

**PETITION TO CEASE OPERATIONS AND RELOCATE DTE ENERGY - RIVER ROUGE
POWER PLANT AND EES COKE BATTERY DUE TO ENVIRONMENTAL AND PUBLIC
HEALTH RISKS**

Case: 2:25-cv-10429

Assigned To : DeClercq, Susan K.

Referral Judge: Ivy, Curtis, Jr

Assign. Date : 2/12/2025

Description: CMP Jane Doe v. DTE Energy (JH)

PETITIONER: Jane Doe

RESPONDENTS: DTE Energy - River Rouge Power Plant EES Coke Battery

JURISDICTION AND LEGAL BASIS: This petition is filed pursuant to the Clean Air Act (42 U.S.C. §7401 et seq.), the Clean Water Act (33 U.S.C. §1251 et seq.), the Resource Conservation and Recovery Act (42 U.S.C. §6901 et seq.), and the National Environmental Policy Act (42 U.S.C. §4321 et seq.). Federal jurisdiction is proper under 28 U.S.C. §1331 (Federal Question Jurisdiction) and 28 U.S.C. §1365 (Injunctive Relief).

This petition also invokes international legal principles under the United Nations Convention on the Law of the Sea (UNCLOS) Article 192 and Article 194, the Convention on Biological Diversity (CBD) Article 8(h), the Paris Agreement on Climate Change (UNFCCC), and the Rome Statute of the International Criminal Court, which recognize environmental destruction as a serious global issue.

FACTUAL BACKGROUND:

1. Hazardous Air Pollution and Health Risks:

- The DTE Energy - River Rouge Power Plant and EES Coke Battery are known sources of hazardous air pollutants, including sulfur dioxide (SO₂), nitrogen oxides (NO_x), and particulate matter (PM_{2.5}).
- These pollutants contribute to increased risks of cancer, respiratory diseases, cardiovascular conditions, and premature mortality among residents in the surrounding communities.
- Numerous lawsuits, including those filed by environmental groups such as the Sierra Club and Earthjustice, have documented the excessive air pollution levels affecting Detroit and neighboring regions.

2. Workplace and Industrial Accidents:

- Multiple fatalities have occurred at U.S. Steel's operations on Zug Island, including explosions, crane accidents, and truck-related deaths.
- The Occupational Safety and Health Administration (OSHA) has cited these facilities for repeated safety violations, reflecting a pattern of negligence.

3. Environmental Impact:

- Pollutants from these plants contribute to acid rain, water contamination, and soil degradation, which in turn impact local biodiversity and agricultural activities.

- Residents of Windsor, Ontario, have reported significant air quality and environmental disturbances attributed to these facilities, raising cross-border environmental concerns.

PETITION TO SHUT DOWN HAZARDOUS INDUSTRIAL FACILITIES

There have been multiple deaths in the U.S. Steel plant on Zug Island in River Rouge, Michigan, including deaths from explosions, crane accidents, and truck accidents.

Explosion deaths:

- December 2013: A U.S. Steel employee was killed when molten metal ignited a fire in his shanty.
- July 2017: Five workers were injured in an explosion at the plant's 80-inch hot strip mill.
- 2008: A worker was killed in a gas line explosion.

Crane accidents:

- April 2014: A contractor died when the crane he was operating tipped over.
- April 2017: Five crane operators became severely ill after exposure to gas while working the night shift.

Truck accidents:

- April 2015: A U.S. Steel employee was run over and killed by a truck.

Other deaths:

- 1997: Two trestlemen at the mill's blast furnace were killed when a breeze bin collapsed.

The plant has been cited for safety violations and fined by the Occupational Safety & Health Administration (OSHA).

There are multiple lawsuits related to Zug Island, Michigan, including a federal lawsuit against EES Coke and a lawsuit against Great Lakes Steel. The lawsuits allege air pollution and other environmental harms.

EES Coke lawsuit:

- In a federal lawsuit, residents and environmental groups allege that EES Coke's coke oven facility on Zug Island releases sulfur dioxide, an air pollutant.
- The lawsuit also names DTE Energy, EES Coke's parent company, as a defendant.
- In 2020, the Sierra Club and Earthjustice settled with DTE Energy, requiring the company to invest \$2.7 million in environmental projects in the area.

Great Lakes Steel lawsuit:

- Great Lakes Steel, owned by National Steel and U.S. Steel, faced lawsuits, fines, and government actions over the years.
- In 2019, Michigan required U.S. Steel to create a plan to reduce emissions, but U.S. Steel filed a lawsuit alleging discrimination.

Other related issues:

- The neighborhoods around the EES Coke facility have higher levels of air pollution than most of Michigan.
- Residents of Windsor, Ontario, have reported a vibration coming from the American side of the river.

These issues demonstrate the urgent need for the shutdown and relocation of these hazardous industrial facilities, which pose a significant threat to public health, environmental safety, and legal compliance. Federal and international legal frameworks support the necessity of immediate intervention to prevent further harm.

This petition allows for residents who have been affected to provide their testimonies and signatures. Signatures collected from Change.org and other Michigan residents who have reviewed this case and petition to shut down the facilities will be included to demonstrate public demand for immediate action.

Change.org is a powerful tool for reaching supporters locally, domestically, and internationally. By leveraging its extensive platform, the petition can gain traction among concerned citizens, environmental advocates, and policy-makers worldwide. Locally, it engages affected communities, bringing together those who have directly experienced the pollution and its effects. Domestically, it raises national awareness, potentially influencing lawmakers and government agencies to take action. Internationally, it draws the attention of global organizations and environmental groups that may exert additional pressure on corporate and governmental entities. Through Change.org, this petition has the potential to mobilize a large-scale movement demanding accountability and environmental justice.

Demand for Criminal Investigation and Shutdown of U.S. Steel Operations on Zug Island

The Respondent's ongoing industrial operations at the U.S. Steel plant on Zug Island constitute an egregious violation of public health and environmental safety. Despite undeniable evidence of the devastating effects caused by their facility—including workplace fatalities, severe air pollution, and life-threatening illnesses—U.S. Steel has willfully refused to relocate or implement necessary safety measures. Their continued operation is a blatant act of **reckless endangerment** and **criminal negligence**, warranting immediate legal action, including criminal prosecution under federal and state law.

1. Respondent's Knowledge of Harm and Willful Endangerment

The Respondent has been repeatedly informed through regulatory actions, lawsuits, and independent environmental studies that their industrial operations are **killing workers and poisoning residents**. The following indisputable evidence demonstrates their knowledge of these dangers:

- **Environmental Reports:** Air quality assessments have consistently shown dangerously high levels of sulfur dioxide, benzene, and particulate matter surrounding the facility, well beyond legal limits set by the Environmental Protection Agency (EPA) and the Michigan Department of Environment, Great Lakes, and Energy (EGLE).
- **Lawsuits and Regulatory Actions:** U.S. Steel has been sued multiple times for environmental harm, worker safety violations, and failure to mitigate toxic emissions.
- **Occupational Safety and Health Administration (OSHA) Citations:** The plant has been fined for numerous safety infractions, including failure to prevent fatal workplace accidents such as explosions, crane malfunctions, and truck-related deaths.
- **Workplace Fatalities and Severe Injuries:** Employees have suffered fatal injuries due to unsafe working conditions, while surrounding communities have reported increased cases of cancer, respiratory disease, and other life-threatening health conditions.
- **Scientific Data:** Decades of research confirm that long-term exposure to the pollutants released from this facility results in **serious, irreversible health effects**, disproportionately harming vulnerable populations in River Rouge and Southwest Detroit.

2. Prior Legal Actions and Continued Non-Compliance

Despite prior lawsuits and settlements requiring mitigation efforts, the Respondent has made **no meaningful effort** to reduce its environmental and safety violations. Instead, they have actively engaged in:

- **Intentional Non-Compliance:** Ignoring mandates requiring pollution control and emission reductions.
- **Deliberate Exposure of Workers and Residents:** Choosing corporate profit over human life by continuing operations despite knowing the dire consequences.
- **Retaliation Against Regulatory Efforts:** Rather than addressing the well-documented hazards, U.S. Steel has filed lawsuits to challenge environmental regulations and enforcement actions.

3. Criminal Negligence and Reckless Disregard for Life

The Respondent's willful inaction in the face of overwhelming evidence constitutes **criminal recklessness** under both federal and state law. The following legal arguments support immediate prosecution:

- **Reckless Endangerment (18 U.S.C. § 35):** The knowing exposure of workers and nearby residents to hazardous conditions meets the legal definition of reckless endangerment, a **criminal offense** punishable by law.

- **Depraved Indifference to Human Life:** The refusal to address known dangers, leading to repeated deaths and severe illnesses, meets the standard for depraved indifference homicide.
- **Environmental Crimes (42 U.S.C. § 7413 of the Clean Air Act):** The deliberate release of hazardous pollutants into the air despite federal and state regulations constitutes a direct violation of the Clean Air Act, subjecting the Respondent to criminal penalties.
- **The Resource Conservation and Recovery Act (RCRA):** Any illegal disposal of hazardous waste contributes to toxic contamination and carries severe criminal penalties under federal law.
- **Michigan Penal Code – Manslaughter and Criminal Negligence:** Under Michigan law, causing deaths through willful disregard for known hazards qualifies as **involuntary manslaughter**, a felony offense.

4. Federal Criminal Jurisdiction and Legal Basis for Shutdown

The presence of **multiple workplace deaths, environmental destruction, and continued criminal behavior** warrants **immediate federal intervention** and the following actions:

- **A U.S. Department of Justice (DOJ) Investigation:** To hold U.S. Steel executives criminally accountable for reckless endangerment, environmental crimes, and workplace fatalities.
- **An Emergency Order Under the Clean Air Act:** Mandating an immediate halt to operations due to ongoing public health violations.
- **The Permanent Revocation of Operating Licenses:** To prevent further harm and ensure long-term environmental and public safety.
- **Compensation and Medical Support for Affected Communities:** Full restitution for impacted residents and workers, including medical expenses, relocation assistance, and economic reparations.

5. Willful Refusal to Relocate as Intentional Criminal Conduct

The Respondent's refusal to relocate or take corrective action, despite **irrefutable evidence of harm and mounting legal pressure**, proves an **intentional disregard for human life**. This refusal constitutes a deliberate act of **criminal negligence**, evidenced by:

- **The conscious decision to continue operations despite worker deaths and community health crises.**
- **The neglect of federal and state environmental protection laws.**
- **The prioritization of corporate profit over human safety.**

Conclusion: Public Demand for Immediate Criminal Prosecution and Shutdown

This petition, supported by thousands of residents, environmental organizations, and public health advocates, demands the **immediate shutdown** of U.S. Steel's Zug Island operations and the **criminal prosecution of those responsible**. The Respondent has **knowingly poisoned**

communities, violated environmental laws, and caused preventable deaths—their actions must not go unpunished.

We, the undersigned, call upon federal and state authorities to take immediate action to hold U.S. Steel criminally accountable and shut down this hazardous facility before more lives are lost.

This petition, if granted, would set a critical legal precedent in environmental justice and corporate accountability. The key benefits include:

1. Public Health Protection

- Immediate reduction in air pollution and toxic emissions, leading to improved respiratory and cardiovascular health for nearby residents.
- Prevention of further cases of cancer, asthma, and other diseases linked to industrial pollution.
- Protection of workers from unsafe conditions that have resulted in multiple fatalities.

2. Legal and Regulatory Precedent

- Establishing a case precedent under **the Clean Air Act, Clean Water Act, and RCRA**, strengthening enforcement against corporate polluters nationwide.
- Setting a **national and international legal framework** for addressing environmental negligence as **criminal conduct** under the **Rome Statute (ICC) and international human rights law**.
- Reinforcing the **legal authority of the U.S. District Court to shut down facilities causing public endangerment**, potentially influencing future lawsuits against similar industries.

3. Corporate Accountability and Deterrence

- Holding **DTE Energy, EES Coke Battery, and U.S. Steel** criminally liable for reckless endangerment, ensuring corporate executives face legal consequences.
- Sending a clear message that corporations cannot **disregard public safety for profit** without facing legal and financial repercussions.
- Encouraging industries to adopt cleaner technologies and comply with **environmental and safety regulations**.

4. Environmental Justice for Affected Communities

- Providing legal recognition and reparations for disproportionately affected **low-income and minority communities in River Rouge and Southwest Detroit**.
- Establishing a **federal mandate for corporate polluters to relocate away from residential areas**.

- Ensuring **cleanup efforts and financial compensation** for impacted families suffering from health conditions due to pollution.

5. Strengthening International Legal Standards

- Setting a **landmark case** for **holding multinational corporations accountable under international treaties**, including **UNCLOS, the Convention on Biological Diversity, and the Paris Agreement**.
- Demonstrating the U.S. judicial system's commitment to **transboundary environmental justice**, reinforcing legal protections for **Windsor, Ontario, and other international communities** affected by cross-border pollution.
- Encouraging **global policy reforms** to prevent industrial pollution and environmental destruction as a **crime against humanity**.

6. Federal and State Government Response

- Forcing regulatory agencies like the **EPA, DOJ, and Michigan EGLE** to take immediate action against corporate polluters.
- Strengthening **legislative efforts** to implement stricter emissions limits and workplace safety requirements.
- Securing **state and federal funding** for **community health programs, air quality monitoring, and economic redevelopment** post-shutdown.

7. A Model for Future Environmental Litigation

- Creating a **legal blueprint** for similar cases across the U.S. where industrial pollution endangers public health.
- Establishing a precedent for **citizen-led petitions and Change.org movements** influencing federal court decisions.
- Empowering affected communities to **use environmental law and human rights frameworks** to challenge harmful corporate practices.

8. Economic Redevelopment and Community Investment

- **Job Transition Programs:** Mandate that DTE Energy, U.S. Steel, and EES Coke provide **job retraining and placement programs** for workers affected by the shutdown, ensuring they have opportunities in **clean energy, infrastructure, or other industries**.
- **Community Revitalization Funds:** Require the **creation of a federally monitored redevelopment fund** to finance new businesses, clean industry projects, and infrastructure improvements in River Rouge and Southwest Detroit.
- **Environmental Cleanup and Green Space Development:** Enforce **remediation of contaminated land and redevelopment into parks, urban farms, or community centers** to benefit residents.

- **Health and Housing Support:** Secure financial assistance for residents suffering from pollution-related health conditions and provide grants for **relocation, home improvements, and healthcare access**.
- **Green Energy Investment:** Mandate that **DTE Energy and other polluting industries contribute to renewable energy projects** in Michigan to replace lost jobs and improve the state's energy infrastructure.

Revised Relief Requested:

In addition to the shutdown and relocation, the Court should order:

- The establishment of a **Community Economic Redevelopment Fund** financed by the Respondents to support job transition, environmental cleanup, and community infrastructure.
- The creation of a **federal and state task force** to oversee the redevelopment of the affected areas into sustainable, clean industry hubs.
- A **mandatory workforce retraining and reemployment program** for displaced workers, ensuring long-term economic stability.
- Investment in **green energy, public transportation, and healthcare infrastructure** to improve living conditions post-shutdown.

By including **economic redevelopment in the relief sought**, this petition not only demands **corporate accountability** but also ensures that affected communities **recover, thrive, and transition into a sustainable future**.

LEGAL ARGUMENTS:

1. **Environmental Damage as a Crime Against Humanity:**
 - Under the Rome Statute, Article 7, large-scale environmental destruction that knowingly endangers civilian populations can constitute a crime against humanity.
 - The continued operation of these facilities poses a substantial risk to living species including the human health and the environment, warranting **immediate** cessation.
2. **Violation of Federal and International Environmental Law:**
 - The Clean Air Act mandates that industrial facilities comply with national air quality standards, which these facilities have repeatedly violated.
 - UNCLOS and the Convention on Biological Diversity obligate parties to prevent transboundary pollution, which has not been adequately addressed by the Respondents.
3. **Federal Court's Authority to Grant Relief:**
 - Under Rule 65 of the Federal Rules of Civil Procedure, this Court has the power to issue injunctive relief to prevent ongoing harm to public health and the environment.

- The Court may also exercise its equitable powers to compel the relocation of these facilities to areas that minimize public health risks.

RELIEF REQUESTED: Petitioner respectfully requests that the Court:

1. Order the immediate cessation of operations at DTE Energy - River Rouge Power Plant and EES Coke Battery.
2. Require the Respondents to develop a relocation plan within 90 days, with a timeline for demolition and site remediation.
3. Mandate independent environmental monitoring and community health impact assessments to be conducted post-shutdown.
4. Impose penalties for ongoing non-compliance with environmental laws and regulations.
5. Issue a declaratory judgment affirming that the continued operation of these facilities constitutes an imminent and substantial endangerment to public health and safety.

CONCLUSION: This petition seeks to establish a precedent in environmental justice, ensuring that industrial facilities that pose a significant risk to human health and the environment are held accountable. Given the extensive documented harm caused by these operations, immediate judicial intervention is necessary to protect the health and welfare of the affected communities and ecosystems.

Respectfully submitted,

By: Jane Doe.

Jane Doe Petitioner

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